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79 Commerce Ltd., Google Asia Pacific Pte.
80 Ltd. and Google Payment Corp.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

EPIC GAMES, INC.,
Plaintiff,

Case No. 3:20-cv-05671-JD

V.

GOOGLE LLC et al.,
Defendants.

Case No. 4:20-cv-07079-DMR

BENTLEY, et al.,
Plaintiffs,

v.

GOOGLE LLC et al.,
Defendants.

Case No. 3:20-cv-05761-JD

MARY CARR, et al.,
Plaintiffs.

v.

GOOGLE LLC et al.,
Defendants.

Case No. 3:20-cv-05792-JD

PURE SWEAT BASI
Plaintiffs.

V

GOOGLE LLC et al.,
Defendants

Case No. 3:20-cv-06772-JD

PEEKYA APP SERVICES, INC., et. al,
Plaintiffs

V

GOOGLE LLC et al.,
Defendants

**STIPULATION AND [PROPOSED]
ORDER REGARDING
COORDINATION OF DISCOVERY**

Judge: Hon. James Donato

1 Plaintiffs in the above-captioned actions (the “Related Actions”), consisting of
2 Plaintiffs in *Mary Carr, et al. v. Google LLC, et al.*, Case No. 3:20-cv-05761-JD (“Carr
3 Plaintiffs”), *Bentley et al. v. Google LLC et al.*, No. 4:20-cv-07079-DMR (“Bentley Plaintiffs”
4 and, together with Carr Plaintiffs, Consumer Plaintiffs), *Pure Sweat Basketball, Inc., et al. v.
5 Google LLC, et al.*, Case No. 3:20-cv-05792-JD (“PSB Plaintiffs”), *Peekya App Services., Inc. v.
6 Google LLC et al.*, Case No. 3:20-cv-06772-JD (“Peekya Plaintiffs” and, together with PSB
7 Plaintiffs, Developer Plaintiffs) and *Epic Games Inc. v. Google LLC, et al.*, Case No. 3:20-cv-
8 05671-JD (“Epic” and, together with Consumer Plaintiffs and Developer Plaintiffs, the
9 “Plaintiffs”), and the Google Defendants¹ in the Related Actions, Google LLC; Google Ireland
10 Limited; Google Commerce Ltd.; Google Asia Pacific Pte. Ltd.; and Google Payment Corp.
11 (collectively “Google”; each of the Consumer Plaintiffs, the Developer Plaintiffs, Epic and Google
12 will be referred to as a “Party” and, all four groups collectively shall be referred to as the
13 “Parties”), by and through their respective counsel, hereby agree as follows:

14 1. Counsel for the Parties shall identify primary discovery contacts at their respective
15 firms for the purpose of sending and receiving communications related to discovery in the Related
16 Actions (hereafter, “the Discovery Liaison Counsel”), which may be updated from time to time.
17 The Parties agree that all discovery documents, productions and correspondence may be served on
18 any Party by way of email to its Discovery Liaison Counsel.

19 2. Plaintiffs shall coordinate discovery efforts to the fullest extent reasonably possible
20 to minimize expense and facilitate the orderly and efficient progress of the Related Actions.
21 Plaintiffs shall consult with each other and with Google in good faith and engage in reasonable
22 efforts to coordinate discovery and jointly resolve any disputes concerning discovery they seek
23 from Google, so as to avoid duplication and unnecessary burden. To the extent discovery is

¹ Not all Google entities have been served in each of the actions. The use of the definition “Google Defendants” or “Google” does not constitute a waiver of service as to any particular defendant.

1 served by any Plaintiff, such Plaintiff shall make reasonable efforts to avoid duplicating discovery
 2 requests previously served by any other Plaintiffs.

3 3. Discovery requests, discovery responses, and discovery produced by Parties in
 4 any of the Related Actions shall be served simultaneously on all Parties. Production of a
 5 document in one of the Related Actions will be deemed a production of that document in all
 6 Related Actions.

7 4. The Parties are not yet prepared to propose limits on the number of depositions
 8 that the Parties may notice of other Parties. To the extent feasible, and except for good cause
 9 shown, witnesses should be deposed only once. All Parties in the Related Actions who wish to
 10 question an adverse or non-party witness must issue a deposition notice and should participate in a
 11 single deposition of that witness. For any Fed. R. Civ. P. 30(b)(1) witness whose deposition will
 12 take place pursuant to notice by two or more of the Parties, the deposition will be limited to 10
 13 hours and will be completed in a single day or two consecutive days. In the event that Google
 14 notices a deposition of any of the adverse Parties (or an employee of any of the adverse Parties)
 15 and another of the Parties also notices the same witness for deposition, Google shall be entitled to
 16 7 of the 10 hours, unless otherwise stipulated or ordered by the Court. For any other witness
 17 whose deposition will take place pursuant to notice by only one Party (i.e., by only one of Google,
 18 Consumer Plaintiffs, Developer Plaintiffs or Epic) pursuant to Fed. R. Civ. P. 30(b)(1), the
 19 witness's deposition will be limited to one day of seven hours, unless otherwise stipulated or
 20 ordered by the Court or otherwise agreed to by the Parties. If a witness/designee (i.e., the same
 21 person) is to testify pursuant to both Fed. R. Civ. P. 30(b)(1) and Fed. R. Civ. P. 30(b)(6), unless
 22 otherwise stipulated, the witness/designee should sit for a single session, with multiple days being
 23 scheduled consecutively to the extent possible. The Parties shall make reasonable efforts to
 24 disclose topics under Fed. R. Civ. P. 30(b)(6) prior to commencing depositions under Fed. R. Civ.
 25 P. 30(b)(1). The Parties further acknowledge that this paragraph does not specify the overall time
 26 limit for deposing a person who is to testify pursuant to both Fed. R. Civ. P. 30(b)(1) and Fed. R.
 27

1 Civ. P. 30(b)(6). The Parties must coordinate in good faith regarding deposition noticing and
2 scheduling.

3 5. There is no limit on the number of non-party depositions in the Related Actions.

4 6. Plaintiffs shall make a reasonable effort to include representatives from Epic,
5 Developer Plaintiffs and Consumer Plaintiffs at all discovery meet and confers regarding common
6 issues.

7 7. Before serving discovery on non-parties (whether a document request,
8 deposition notice, or other), the Parties shall each consider whether the request may reasonably be
9 served by joint subpoena with some or all of the other Parties. Any of the Parties that serves a
10 discovery request on a non-party and receives responsive discovery materials shall provide or
11 make available a copy of such materials to all other Parties within four business days after receipt
12 of such materials from the non-party, including a written summary of any modification agreed to
13 concerning the scope of the original requests.

14 8. All disclosures made pursuant to Fed. R. Civ. P. 26(a) (i.e., initial disclosures
15 and expert disclosures, and supplements thereto) shall be served on all Parties.

16 9. Epic, the group of Consumer Plaintiffs, and the group of Developer Plaintiffs
17 will each be permitted to serve no more than 25 requests for admission (not including requests for
18 admission directed solely at authentication of documents) on Google, and Google will be
19 permitted to serve no more than 25 requests for admission (not including requests for admission
20 directed solely at authentication of documents) on each of Epic, the group of Consumer Plaintiffs,
21 and the group of Developer Plaintiffs. For the avoidance of doubt, “Google” in this paragraph
22 refers to the group of Google Defendants.

23 10. Epic, the group of Consumer Plaintiffs, and the group of Developer Plaintiffs
24 will each be permitted to serve no more than 20 interrogatories on Google, and Google will be
25 permitted to serve no more than 25 interrogatories on each of Epic, the group of Consumer
26 Plaintiffs, and the group of Developer Plaintiffs. For the avoidance of doubt, “Google” in this
27 paragraph refers to the group of Google Defendants.

1 11. Barring further order of the Court on good cause shown, any cases that are
2 subsequently related to the Related Actions are to be bound by these protocols governing the
3 coordination of discovery, as well as any current or future stipulations regarding ESI and expert
4 discovery agreed upon by the Parties.

5 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

6 Dated: October 22, 2020

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9 Katherine B. Forrest
10 Gary A. Bornstein
11 Yonatan Even
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14 Respectfully submitted,

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18 Dated: October 22, 2020

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37 -6-
38 STIPULATION AND [PROPOSED] ORDER REGARDING COORDINATION OF
39 DISCOVERY

40 Case Nos.: 3:20-cv-05671-JD; 3:20-cv-05761-JD; 3:20-cv-05792-JD

1 Dated: October 22, 2020

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STIPULATION AND [PROPOSED] ORDER REGARDING COORDINATION OF
DISCOVERY

Case Nos.: 3:20-cv-05671-JD; 3:20-cv-05761-JD; 3:20-cv-05792-JD

1
2 Dated: October 22, 2020
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By: /s/ Brian C. Rocca
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7 *Counsel for Defendant Google LLC et. al*
8
9

10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**
11

12 DATED: _____
13

HON. JAMES DONATO _____
United States District Judge
14
15
16
17

18 **E-FILING ATTESTATION**
19

I, Jamie L. Boyer, am the ECF User whose ID and password are being used to file
this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the
signatories identified above has concurred in this filing.
20
21

22 /s/ Jamie L. Boyer
23 Jamie L. Boyer
24
25
26
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28 STIPULATION AND [PROPOSED] ORDER REGARDING COORDINATION OF
DISCOVERY

Case Nos.: 3:20-cv-05671-JD; 3:20-cv-05761-JD; 3:20-cv-05792-JD